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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,567	02/28/2005	Laura Apicella	007511.00017	7426
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EXAMINER				
GORT, ELAINE L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,567

Applicant(s)

APICELLA ET AL.

Examiner

Elaine Gort

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3, 5, 13, 15-17 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Pirot (WO 00/22792); Kang (WO 01/97546) and Examiner's Official Notice.**

Pirot discloses the claimed system/method for billing communication costs comprising:

A server configured to communicate with an external PSTN network (such as media gateway controller 40 shown in figure 2 that interfaces the PSTN);

a data communication network configured to support voice calls in IP-based mode, (page 11, lines 21+, VoOP—voice over Internet), and

a database (for example 202 and 208 in figure 5, see also page 25 discussing storing network configuration records, service records, billing records, etc...) configured to collect data relating to calls via said server and calls on said data communication network;

wherein at least one user interface (such as the GUI's for the service management 52 and 204 via 210) selectively produces first configuration data pertaining to a plurality of corporate network sites (for example: 130 in figure 3, page 14

lines 6+, page 13 line 20+, page 26 14+), second configuration data pertaining to a numbering plans for placing said calls (examples include: page 13, line 19, 110 in figure 3, and page 24 line 3), and third configuration data pertaining to billing plans for said calls (for example page 26 line 10);

said first, second and third configuration data pertaining both to voice calls and to data calls (abstract),

wherein the system further includes a system node configured to communicate with the database (figures 1-5 show communication with the databases for updating data and billing), the system node including:

a processor (system inherently has a processor in order to process the data, page 25 line 12 discusses manipulation of data carried out on PCs or workstations); and memory storing instructions that when executed by the processor (processors inherently need memory to perform functions), causes the system node to perform:

generating a classification module configured to classify the calls (the system collects call data records from various network servers, stores them and applies appropriate tariff rates on the data which requires classification of the calls in order to properly apply the tariffs to the appropriate charges, page 29), wherein the classifying the calls further include:

sorting a call according to a source site of the call (inherently to bill a user the source site of their calls must be identified in order for the billing of the user to take place);

for each group of calls sorted based on the source site, further sorting the call according to the called number (this sorting inherently must be performed in order to apply the proper tariff, for example, the charging of a tariffs varies for internal calls and external calls (for example it is well known that external calls are usually taxed, to cover expenses for things like 911 calls and other taxing purposes), and

allocating a class reference to the sorted calls based on the called number (page 18 discusses classification of calls such as by time of day, peak data rates, etc.);

generating a value module configured to calculate the costs of said calls based on the classification of the calls performed by the classification module (page 18 line 12 discusses where all billing is based on service definitions with their corresponding policies that specify a service level agreement, page 18 line 5 discusses customer care and billing requiring rating and invoicing functions for data and voice services), and

generating a report generating module configured to generate reports pertaining to costs of communications placed over said corporate communications network determined by said value module, said reports transparently referring both to voice calls and to data calls (billing is based on corresponding policies, page 18, line 12+);

where the billing system is configured to calculate communication costs for a single, corporate telecommunications network including a plurality of sites (system calculates the costs when it tailors billing for individual users and applications, page 29);

but is silent regarding the class reference being one of: internal or external.

Kang teaches that it is old and well known in the art of communication systems to classify and bill calls based on internal and external communications and to have

varying rates to cover the costs of communications (such as costly international calls versus inter-office switching).

Examiner takes Official Notice that it is old and well known in the art of communications to charge different rates for calls based on where the calls are placed, such as local calls, in-state calls, international calls and wireless phone calls, to charge based on the services provided.

Therefore it would have been obvious to one of ordinary skill to modify the system of Pirot with the internal and external communication and billing rates taught by Kang and the varying of rates based on where calls are placed as taught by Examiner's Official Notice in order to cover for the costs of communications and to charge based on the services provided.

(Regarding claim 2) a database for storing said first, second and third (L) configuration data (such as databases 214, 202 and 208).

(Regarding claim 3) where said classification module is further configured to classify said calls according to at least one parameter chosen in the group comprising: source site of the call, called number, internal and external number of the call respect to said corporate telecommunications network (such as the generation of accounting requests based on called number, calling number, username, domain name, etc... page 24 line 2+).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 14, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirot (WO 00/22792); Kang (WO 01/97546) and Examiner's Official Notice, as modified above, in view of "Voice, Call-handling systems move beyond simple switching" (Voice) and Examiner's Official Notice.

Pirot, Kang and Examiner's Official Notice, as modified above, disclose the claimed system but is silent regarding where the internal calls are further classified as in-site calls and between-site calls.

Voice teaches, for example in column 1 paragraph 2, that it is old and well known in the art of telecommunications to have different classifications for internal calls (such as local, regional or national calls all within a single local network).

8. Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirot (WO 00/22792); Kang (WO 01/97546) and Examiner's Official Notice, as modified above, in view of Honda et al. (US Patent 6,615,260) and Examiner's Official Notice.

Pirot, Kang and Examiner's Official Notice, as modified above, or the combination of Pirot, Kang and Examiers Official Notice of above, discloses the claimed system but is silent regarding where the calls are billed based on the number of bytes

transmitted, a rate per unit of time, fixed monthly subscriber fee, or a no rate value for a specific time window, double rate window and a rate value for a certain time window.

Honda teaches that it is old and well known in the art of data transmission systems to bill based on bytes transmission, on a rate per unit of time, and/or a fixed monthly subscriber fee to cover the costs of the communications (see background of the invention).

Examiner takes Official Notice that it is old and well known in the art of communications to provide varying rates including free calls (such as evenings), lower rates for off-peak times; charge higher rates depending on the destination, and double or higher rates for high peak time to cover the cost of communications and to encourage calls to be made in lower peak times so less communication access is needed during peak call times to cover for the costs of communications.

Therefore it would have been obvious to one of ordinary skill to modify the system of Pirot, Kang and Examiner's Official Notice, as modified above, with the charging based on bytes transmitted, rate per unit of time, and/or a fixed monthly subscriber fee as taught by Honda et al. and to have rates for different time periods such as double rate for high peak, single rate for non-peak time and free rate for low usage times in order to cover for the costs of communications.

Regarding not charging for inbound calls, Examiner takes Official Notice that it is old and well known in the art of communication billing to not charge users for inbound calls.

Response to Arguments

Applicant's arguments with respect to claims 1-17 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on 571/272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3687

Elaine Gort
Primary Examiner
Art Unit 3687

11/2/2009